

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO. 8:08CR41</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>TENTATIVE FINDINGS</b>
	)	
<b>JANET A. CHANEY-HULL,</b>	)	
	)	
<b>Defendant.</b>	)	

The Court has received the Presentence Investigation Report ("PSR"), the Defendant's objections thereto (Filing No. 25), and the Defendant's motion for deviation and supporting brief (Filing Nos. 26, 27). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant objects to the following: ¶¶ 18, 28 and 76 (abuse of trust); ¶ 17 (amount of restitution); and ¶¶ 67, 68 (ineligibility for probation).

The objections relating to ¶¶ 18, 28 and 76 (abuse of trust) and ¶ 17 (amount of restitution) will be heard at sentencing. The government has the burden by a preponderance of the evidence. If the parties need more than 30 minutes for the sentencing hearing, they should contact Edward Champion and reschedule the hearing.

Regarding the objection to ¶¶ 67 and 68, the matter will be discussed, if appropriate.

IT IS ORDERED:

1. The Defendant's Objections to ¶¶ 18, 28 and 76 (abuse of trust) and ¶ 17 (amount of restitution) of the Presentence Investigation Report (Filing No. 25) will be heard at sentencing;
2. The Defendant's motion for deviation (Filing NO. 26) will be heard at sentencing;
3. Otherwise the Court's tentative findings are that the Presentence Investigation Report is correct in all respects;
4. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;
5. Absent submission of the information required by paragraph 4 of this Order, my tentative findings may become final; and
6. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 18<sup>th</sup> day of August, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge